

HOUSE BILL No. 1662

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13; IC 31-19-19-2; IC 31-25; IC 31-27; IC 31-33; IC 31-34-21-1; IC 31-39; IC 34-30-2.

Synopsis: Child advocate and committee. Establishes the office of the child advocate (office) as a separate bureau within the department of administration. Requires the department of administration to administer, determine salaries, and determine other personnel matters of the office. Provides that the office may review certain records. Adds a representative of the office to local child fatality review teams and the statewide child fatality review committee. Authorizes a juvenile court to refer a case to the office to investigate the implementation of a child in need of services dispositional decree. Provides immunity from civil liability to: (1) persons who release information to the office; and (2) the office for the good faith performance of official duties. Creates a committee to nominate the director of the office and to review the office's actions.

Effective: July 1, 2009.

Frizzell

January 16, 2009, read first time and referred to Committee on Government and Regulatory Reform.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1662

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13-1-4, AS AMENDED BY P.L.1-2006,
2 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 4. The department shall, subject to this chapter,
4 do the following:

5 (1) Execute and administer all appropriations as provided by law,
6 and execute and administer all provisions of law that impose
7 duties and functions upon the executive department of
8 government, including executive investigation of state agencies
9 supported by appropriations and the assembly of all required data
10 and information for the use of the executive department and the
11 legislative department.

12 (2) Supervise and regulate the making of contracts by state
13 agencies.

14 (3) Perform the property management functions required by
15 IC 4-20.5-6.

16 (4) Assign office space and storage space for state agencies in the
17 manner provided by IC 4-20.5-5.



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(5) Maintain and operate the following for state agencies:

(A) Central duplicating.

(B) Printing.

(C) Machine tabulating.

(D) Mailing services.

(E) Centrally available supplemental personnel and other essential supporting services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund is established through which these services may be rendered to state agencies. The budget agency shall determine the amount for the general services rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the

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commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.2.

(17) Adopt policies and standards for making state owned property reasonably available to be used free of charge as locations for making motion pictures.

(18) Except as provided in IC 4-13-19-6, administer, determine salaries, and determine other personnel matters of the office of the child advocate established by IC 4-13-19-4.

SECTION 2. IC 4-13-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 19. The Office of the Child Advocate

Sec. 1. As used in this chapter, "child" means an individual who:

(1) receives services from the department of child services;

(2) has an open case file in the department of child services;

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or

(3) has been or whose siblings, parents, or other caretaker has been the subject of a report by the department of child services within the previous five (5) years.

Sec. 2. As used in this chapter, "child advocate" refers to the director of the office of the child advocate.

Sec. 3. As used in this chapter, "office" refers to the office of the child advocate established by section 4 of this chapter.

Sec. 4. The office of the child advocate is established as a separate agency within the Indiana department of administration.

Sec. 5. (a) The child advocate review and nominating committee is established within the Indiana department of administration.

(b) The Indiana department of administration shall provide support to the committee.

(c) The committee consists of seven (7) members appointed by the governor for four (4) year terms. Each member must have experience and knowledge concerning child protection. The members must include the following:

- (1) A juvenile court judge.
- (2) A representative of a nonprofit children's agency.
- (3) A mental health professional.
- (4) A pediatrician.
- (5) A provider of services to children.
- (6) A social worker who is not an employee of the state and who has experience with child protective services.
- (7) A foster parent.

(d) Each member of the committee is entitled to the following:

- (1) The minimum salary per diem provided in IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The governor shall designate one (1) member to preside over the initial meeting of the committee each year. At the first meeting of the committee each year, members shall elect a chairperson for the subsequent twelve (12) month period.

(f) Whenever a vacancy exists for child advocate, the committee shall nominate three (3) candidates for child advocate to the governor.

(g) The governor shall appoint a child advocate from the list of three (3) names provided by the nominating committee.

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(h) The child advocate serves a term of three (3) years.

(i) In the final six (6) months of the term of the child advocate, the nominating committee:

(1) shall nominate three (3) candidates for child advocate to the governor; and

(2) may nominate the current director.

The governor shall select a subsequent director as described in subsection (g).

(j) The committee shall meet three (3) times a year with the child advocate and the staff of the office to review and assess the following:

(1) Statistics regarding the child advocate investigations, including the number of complaints, the number of investigations, and the number of closed cases.

(2) Patterns of treatment and services for children.

(3) Necessary systemic improvements.

(4) State policy issues concerning children.

(k) The committee shall provide an annual report by November 1 of each year to the governor and legislative council. The report submitted to the legislative council must be in an electronic format under IC 5-14-6. The report must include recommendations and details of the committee's work for the previous year and recommendations for changes to the child protection system or the office.

Sec. 6. The annual salary of the child advocate must be at least an amount equal to fifty-five percent (55%) of the annual salary of a judge under IC 33-38-5-6, as adjusted under IC 33-38-5-8.1.

Sec. 7. (a) The office shall:

(1) identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of a child concerning any act, omission to act, practice, policy, or procedure of the department of child services or a person who contracts with the department of child services that may adversely affect the health, safety, or welfare of a child;

(2) refer complaints involving abused children to appropriate law enforcement agencies;

(3) report the death of a child to a local child fatality review team under IC 31-33-24 or the statewide child fatality review committee under IC 31-33-25;

(4) establish policies and procedures necessary for the office to accomplish the purposes of this chapter;

(5) develop informational material concerning the office and

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1 distribute the materials to:

- 2 (A) the department of child services;
- 3 (B) other state agencies that have programs for children;
- 4 (C) elementary schools;
- 5 (D) day care centers; and
- 6 (E) any program or institution that has programs for
- 7 children;

8 (6) convene quarterly meetings with organizations, state
9 agencies, and individuals who work in the area of child
10 protection to seek opportunities to collaborate and improve
11 the status of children;

12 (7) hire an attorney as an employee or contract with an
13 attorney to:

- 14 (A) file injunctions against state agencies; and
- 15 (B) provide other legal services;
- 16 (8) establish procedures to receive and investigate complaints;
- 17 (9) establish access controls for all information maintained by
- 18 the office;
- 19 (10) except as necessary to investigate and resolve a
- 20 complaint, ensure that the identity of a complainant will not
- 21 be disclosed without:

- 22 (A) the complainant's written consent; or
- 23 (B) a court order; and

24 (11) communicate privately with any child, child's parent,
25 child's guardian, or child's custodian.

26 (b) The correspondence and communication between the office
27 and any person is a privileged communication.

28 Sec. 8. (a) Except as provided in subsection (b), the office may:

- 29 (1) have access to all records and files of any state agency or
- 30 health care provider relating to a child, including being able
- 31 to inspect, copy, and subpoena records held by clerks of
- 32 courts and law enforcement agencies;
- 33 (2) enter and inspect any institution, facility, or residence
- 34 where a child has been placed by a court or by the department
- 35 of child services;
- 36 (3) file an injunction to require an agency to refrain from
- 37 taking an action that is prohibited by law involving the
- 38 protection of a child;
- 39 (4) apply for and accept grants, gifts, and bequests;
- 40 (5) pursue remedies on behalf of a child to carry out this
- 41 chapter; and
- 42 (6) engage in public education programs and legislative

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advocacy concerning the needs of children requiring the intervention, protection, and supervision of courts, the department of child services, and other state and county agencies.

(b) The exercise of the right of access set forth in subsection (a)(1) may not violate any privacy rights protected by federal law.

Sec. 9. At the conclusion of an investigation of a complaint, the child advocate shall report the child advocate's findings to the complainant.

Sec. 10. If the office does not investigate a complaint, the office shall notify the complainant of the decision not to investigate and the reasons for the decision.

Sec. 11. A person is immune from:

- (1) civil or criminal liability; and
- (2) actions taken under:

(A) a professional disciplinary procedure; or

(B) procedures related to the termination or imposition of penalties under a contract dealing with an employee or contractor of the department of child services;

for the release or disclosure of records to the office under this chapter.

Sec. 12. The office may adopt rules under IC 4-22-2 necessary to carry out this chapter.

Sec. 13. The child advocate or an employee of the office is not civilly liable for the good faith performance of official duties.

Sec. 14. (a) The child advocate shall prepare a report each year on the operations of the office.

(b) A copy of the report shall be provided to the following:

- (1) The governor.
- (2) The legislative council.
- (3) The Indiana department of administration.
- (4) The department of child services.

A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 15. A person who:

- (1) intentionally interferes with or prevents the completion of the work of an employee of the office;
- (2) knowingly offers compensation to an employee of the office in an effort to affect the outcome of an investigation or a potential investigation;
- (3) knowingly or intentionally retaliates against another person who provides information to an employee of the office;

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1 or
 2 (4) makes threats against an employee of the office, a person
 3 who has filed a complaint, or a person who provides
 4 information to an employee of the office because of an
 5 investigation or potential investigation;
 6 commits a Class A misdemeanor.

7 **Sec. 16. The child advocate may employ and contract with**
 8 **technical experts and other persons to carry out this chapter.**

9 **Sec. 17. The Indiana department of administration shall provide**
 10 **and maintain office space for the office.**

11 SECTION 3. IC 31-19-19-2, AS AMENDED BY P.L.145-2006,
 12 SECTION 254, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) All files and records
 14 pertaining to the adoption proceedings in:

15 (1) the county office of family and children;

16 (2) the department; or

17 (3) any of the licensed child placing agencies;

18 are confidential and open to inspection only as provided in
 19 IC 31-19-13-2(2), IC 31-19-17, or IC 31-19-25.

20 (b) The files and records described in subsection (a), including
 21 investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its
 22 repeal):

23 (1) are open to the inspection of the court hearing the petition for
 24 adoption; ~~and~~

25 (2) on order of the court, may be:

26 (A) introduced into evidence; and

27 (B) made a part of the record;

28 in the adoption proceeding; **and**

29 **(3) are open to the inspection of the office of the child**
 30 **advocate established by IC 4-13-19-4.**

31 SECTION 4. IC 31-25-2-22 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2009]: **Sec. 22. The department shall prominently post**
 34 **information concerning the office of the child advocate established**
 35 **by IC 4-13-19-4 that the office develops under IC 4-13-19-7(a)(5)**
 36 **in the local offices of the department.**

37 SECTION 5. IC 31-25-5 IS ADDED TO THE INDIANA CODE AS
 38 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2009]:

40 **Chapter 5. Cooperation With the Office of the Child Advocate**

41 **Sec. 1. As used in this chapter, "office" refers to the office of the**
 42 **child advocate established by IC 4-13-19-4 within the Indiana**

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department of administration.

Sec. 2. As used in this chapter, "office employee" means an employee of the office or an individual approved by the office to investigate and resolve complaints regarding the health and safety of any person and violations by the department of specific laws, rules, or written policies. The term includes individuals approved to act in the capacity of the child advocate by the office.

Sec. 3. The department and the juvenile court with jurisdiction over a child shall provide an office employee with:

(1) appropriate access to the records of a child who is the subject of an investigation by the office; and

(2) immediate access to any facility in which a child who is the subject of an investigation by the office is placed or is receiving services funded by the department.

SECTION 6. IC 31-27-3-18, AS AMENDED BY P.L.138-2007, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the department requires and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child caring institution.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the child caring institution.

(5) The parent, guardian, or custodian of the child at the child caring institution.

(6) A citizen review panel established under IC 31-25-2-20.4.

(7) The office of the child advocate established by IC 4-13-19-4.

SECTION 7. IC 31-27-4-21, AS AMENDED BY P.L.138-2007, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

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(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the foster family home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the foster family home.

(5) The parent, guardian, or custodian of the child at the foster family home.

(6) A citizen review panel established under IC 31-25-2-20.4.

(7) The office of the child advocate established by IC 4-13-19-4.

SECTION 8. IC 31-27-5-18, AS AMENDED BY P.L.138-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department, upon request, the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the group home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the group home.

(5) The parent, guardian, or custodian of the child at the group home.

(6) A citizen review panel established under IC 31-25-2-20.4.

(7) The office of the child advocate established by IC 4-13-19-4.

SECTION 9. IC 31-27-6-15, AS AMENDED BY P.L.138-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the

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department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's parents or relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child placing agency.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) A citizen review panel established under IC 31-25-2-20.4.

(5) The office of the child advocate established by IC 4-13-19-4.

SECTION 10. IC 31-33-18-1, AS AMENDED BY P.L.145-2006, SECTION 283, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, the following are confidential:

(1) Reports made under this article (or IC 31-6-11 before its repeal).

(2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:

(A) the division of family resources;

(B) the county office; or

(C) the department.

(b) Except as provided in section 1.5 of this chapter, all records held by:

(1) the division of family resources;

(2) a county office;

(3) the department;

(4) a local child fatality review team established under IC 31-33-24; ~~or~~

(5) the statewide child fatality review committee established under IC 31-33-25; **or**

(6) the office of the child advocate established by IC 4-13-19-4;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

SECTION 11. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to records held by:

(1) the division of family resources;

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- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24; ~~or~~
- (5) the statewide child fatality review committee established under IC 31-33-25; **or**

(6) the office of the child advocate established by IC 4-13-19-4.
 regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or
- (2) a prosecuting attorney files:
 - (A) an indictment or information; or
 - (B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) As used in this section:

- (1) "identifying information" means information that identifies an individual, including an individual's:
 - (A) name, address, date of birth, occupation, place of employment, and telephone number;
 - (B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;
 - (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;
 - (D) unique electronic identification number, address, or routing code;
 - (E) telecommunication identifying information; or
 - (F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number,

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an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(d) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(e) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(f) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (c)(1)(B) through (c)(1)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

(g) The court shall disclose the record redacted in accordance with subsection (f) to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

(h) The court's determination under subsection (f) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

SECTION 12. IC 31-33-18-2, AS AMENDED BY P.L.138-2007, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child

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or family that is the subject of a report or record.

(3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official

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functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(20) A citizen review panel established under IC 31-25-2-20.4.

(21) The office of the child advocate established by

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IC 4-13-19-4.

SECTION 13. IC 31-33-24-9, AS AMENDED BY P.L.225-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) A local child fatality review team consists of the following members:

(1) A coroner or deputy coroner from the area served by the local child fatality review team.

(2) A representative from:

(A) the health and hospital corporation of Marion County as set forth in IC 16-22-8;

(B) a local health department established under IC 16-20-2; or

(C) a multiple county health department established under IC 16-20-3;

from the area served by the local child fatality review team.

(3) A physician residing or practicing medicine in the area served by the local child fatality review team.

(4) A representative of law enforcement from the area served by the local child fatality review team.

(5) A representative from an emergency medical services provider doing business in the area served by the local child fatality review team.

(6) A director or manager of a local or regional office of the department from the area served by the local child fatality review team.

(7) A representative of the prosecuting attorney from the area served by the local child fatality review team.

(8) A pathologist with forensic experience who is licensed to practice medicine in Indiana and who, if feasible, is certified by the American Board of Pathology in forensic pathology.

(9) A representative from a fire department or volunteer fire department (as defined in IC 36-8-12-2) from the area served by the local child fatality review team.

(10) A representative of the office of the child advocate established by IC 4-13-19-4.

(b) If a local child fatality review team is established in one (1) county, the legislative body that voted to establish the local child fatality review team under section 6 of this chapter shall:

(1) adopt an ordinance for the appointment and reappointment of members of the local child fatality review team; and

(2) appoint members to the local child fatality review team under the ordinance adopted.

(c) If a local child fatality review team is established in a region, the

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1 county legislative bodies that voted to establish the local child fatality
2 review team under section 6 of this chapter shall:

- 3 (1) each adopt substantially similar ordinances for the
- 4 appointment and reappointment of members of the local child
- 5 fatality review team; and
- 6 (2) appoint members to the local child fatality review team under
- 7 the ordinances adopted.

8 SECTION 14. IC 31-33-25-6, AS ADDED BY P.L.145-2006,
9 SECTION 288, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The statewide child fatality
11 review committee is established to review a child's death that is:

- 12 (1) sudden;
- 13 (2) unexpected; or
- 14 (3) unexplained;

15 if the county where the child died does not have a local child fatality
16 review team or if the local child fatality review team requests a review
17 of the child's death by the statewide committee.

18 (b) The statewide child fatality review committee may also review
19 the death of a child upon request by an individual **or the office of the**
20 **child advocate established by IC 4-13-19-4.**

21 (c) A request submitted under subsection (b) must set forth:

- 22 (1) the name of the child;
- 23 (2) the age of the child;
- 24 (3) the county where the child died;
- 25 (4) whether a local child fatality review team reviewed the death;
- 26 and
- 27 (5) the cause of death of the deceased child.

28 SECTION 15. IC 31-33-25-8, AS AMENDED BY P.L.225-2007,
29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2009]: Sec. 8. The statewide child fatality review committee
31 consists of the following members appointed by the governor:

- 32 (1) a coroner or deputy coroner;
- 33 (2) a representative from:
 - 34 (A) the state department of health established by IC 16-19-1-1;
 - 35 (B) a local health department established under IC 16-20-2; or
 - 36 (C) a multiple county health department established under
 - 37 IC 16-20-3;
- 38 (3) a pediatrician;
- 39 (4) a representative of law enforcement;
- 40 (5) a representative from an emergency medical services provider;
- 41 (6) the director or a representative of the department;
- 42 (7) a representative of a prosecuting attorney;

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(8) a pathologist who is:

(A) certified by the American Board of Pathology in forensic pathology; and

(B) licensed to practice medicine in Indiana;

(9) a mental health provider;

(10) a representative of a child abuse prevention program; ~~and~~

(11) a representative of the department of education; **and**

(12) a representative of the office of the child advocate established by IC 4-13-19-4.

SECTION 16. IC 31-33-26-5, AS ADDED BY P.L.138-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Subject to the accessibility to files provided in subsection (b), at least ten (10) levels of security for confidentiality in the index must be maintained.

(b) The index must have a comprehensive system of limited access to information as follows:

(1) The index must be accessed only by the entry of an operator identification number and a password.

(2) A child welfare caseworker must be allowed to access only:

(A) cases that are assigned to the caseworker; and

(B) other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A).

(3) A child welfare supervisor may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker who reports to the supervisor.

(C) Other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A) or (B).

(D) Cases that are unassigned.

(4) To preserve confidentiality in the workplace, child welfare managers, as designated by the department, may access any case, except restricted cases involving:

(A) a state employee; or

(B) the immediate family member of a state employee;

who has access to the index. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.

(5) Access to records of authorized users, including passwords, is

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restricted to:

(A) users designated by the department as administrators; and

(B) the administrator's level of access as determined by the department.

(6) Ancillary programs that may be designed for the index may not be executed in a manner that would circumvent the index's log-on security measures.

(7) Certain index functions must be accessible only to index operators with specified levels of authorization as determined by the department.

(8) Files containing passwords must be encrypted.

(9) There must be two (2) additional levels of security for confidentiality as determined by the department.

(10) The office of the child advocate established by IC 4-13-19-4 shall have unlimited access to the index concerning:

(A) complaints filed with; or

(B) cases being investigated by;

the office of the child advocate.

SECTION 17. IC 31-34-21-1, AS AMENDED BY P.L.146-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order the department to file a report on the progress made in implementing the decree.

(b) The juvenile court shall order the department to file a report every three (3) months after the dispositional decree is entered on the progress made in implementing the decree.

(c) If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

(d) A juvenile court may refer a case to the office of the child advocate established by IC 4-13-19-4 to investigate the implementation of a dispositional decree.

SECTION 18. IC 31-39-2-6, AS AMENDED BY P.L.145-2006, SECTION 359, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The records of the juvenile court are available without a court order to:

(1) the attorney for the department of child services; or

(2) any authorized staff member of:

(A) the county office;

(B) the department of child services; ~~or~~

(C) the department of correction; **or**

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1 **(D) the office of the child advocate established by**
 2 **IC 4-13-19-4.**

3 SECTION 19. IC 31-39-4-7, AS AMENDED BY P.L.145-2006,
 4 SECTION 361, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2009]: Sec. 7. The records of a law enforcement
 6 agency are available, without specific permission from the head of the
 7 agency, to:

8 (1) the attorney for the department of child services or any
 9 authorized staff member; **or**

10 **(2) any authorized staff member of the office of the child**
 11 **advocate established by IC 4-13-19-4.**

12 SECTION 20. IC 31-39-9-1, AS ADDED BY P.L.67-2007,
 13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2009]: Sec. 1. The following entities and agencies may
 15 exchange records of a child who is a child in need of services or has
 16 been determined to be a delinquent child under IC 31-37-1-2, if the
 17 information or records are not confidential under state or federal law:

18 (1) A court.

19 (2) A law enforcement agency.

20 (3) The department of correction.

21 (4) The department of child services.

22 (5) The office of the secretary of family and social services.

23 (6) A primary or secondary school, including a public or
 24 nonpublic school.

25 **(7) The office of the child advocate established by**
 26 **IC 4-13-19-4.**

27 SECTION 21. IC 34-30-2-39.6 IS ADDED TO THE INDIANA
 28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2009]: **Sec. 39.6. IC 4-13-19-11 (Concerning**
 30 **a person who releases information to the office of the child**
 31 **advocate established by IC 4-13-19-4).**

32 SECTION 22. IC 34-30-2-39.7 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2009]: **Sec. 39.7. IC 4-13-19-13 (Concerning**
 35 **the office of the child advocate established by IC 4-13-19-4 for the**
 36 **good faith performance of official duties).**

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